

REMARKS

Applicant respectfully requests reconsideration of the application.

Regarding the Examiner's statement that a proper Information Disclosure Statement was not submitted with the application, Applicant respectfully disagrees. An Information Disclosure Statement by Applicant form along with copies of the two cited prior art patents was submitted with the application. A copy of that document and patents is included herewith. Accordingly, applicant respectfully requests that the Examiner acknowledge the original submission and consider the prior art contained therein.

Regarding the claim objections for minor informalities, the Applicant has made the appropriate amendments as suggested by the Examiner. Specifically, in claims 2, 4, 5, 8, and 9 Applicant deleted the word "device" and replaced it with the word "container." In claims 6 and 13, Applicant has deleted the word "apparatus" and replaced it with the word "container."

Applicant appreciates the Examiner's attention to detail in pointing out these minor errors.

Claim Rejection- 35 USC section 112

The Examiner rejected claims 6, 11, and 13 under 35 USC section 112, first paragraph for being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant has amended claims 6, 11, and 13 to address the Examiner's rejections and respectfully requests that the Examiner withdraw his section 112, first paragraph rejection of the claims.

Specifically, claim 6 was amended to delete the phrase "the first compartment, the second compartment, or the third compartment and replaced with the phrase "plurality of chambers." That phrase tracks with the wording of claim 3, from which claim 6 depends.

Claim 11 was amended to delete the word “second” in line one and replaced with the word “first.” Using the word “second” was a typographical error. The Applicant intended that the word “first” be used, which tracks with the language of claim 10, from which claim 11 depends.

Claim 13 was amended in a similar fashion to claim 6 wherein the phrase “the first compartment, the second compartment, or the third compartment was deleted and was replaced the phrase “plurality of chambers.” That phrase tracks with the wording of claim 10, from which claim 13 depends.

Applicant submits that, as amended, claims 6, 11, and 13 no longer contain section 112, first paragraph issues and respectfully requests that the Examiner with his rejection of the claims on 112 grounds.

Claims Rejection- 35 USC section 102

The Examiner rejected claims 1 – 13 pursuant to 35 USC 1-2(b) as being anticipated by Morrow. Applicant respectfully disagrees. Applicant’s invention comprises a catamenial products container having a waterproof seal. The invention can be used in a variety of settings wherein it may be exposed to the elements without damage to the products contained within it. On the other hand, Morrow merely discloses the use of water resistant or waterproof material in the manufacture of the body of the device. Morrow does not teach or contemplate a waterproof seal. Accordingly, while Morrow may suggest that the material of manufacture for the body of the device may have some waterproofing properties, there is no teaching of waterproof seal incorporating the ends.

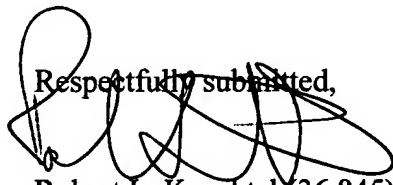
Applicant has amended independent claims 1 and 10 to more distinctly point out the waterproof seal aspect of the present invention. Specifically, claim 1 has been amended to delete

reference to the container being “adapted to waterproofably seal” and now positively recites that the container “waterproofably sealing” the container. Claim 10 has been amended to include the fact that a waterproof seal is created when the first end cap and second end cap are received by the first end and second end, respectively.

Applicant submits that claim 7 needs no amendment as it currently claims that the “chambers being waterproofably sealed within said container.”

The Applicant has further amended claims 2,5, and 7 to positively recite a portable member and further has amended claims 8 and 9 to positively recite the ability of the container to receive printing (claim 8) and stickers (claims 9).

Accordingly, Applicant respectfully submits that, as amended, the claims are patentable over the prior art and requests that the Examiner withdraw his rejection of the claims as being anticipated by section 102(b). Applicant further submits that, as amended, the claims are now in condition for allowance and requests the Examiner take such action. If the Examiner believes a conference would be beneficial in moving this case, please do not hesitate to contact the undersigned.


Respectfully submitted,
Robert L. Knechtel (36,845)
Attorney for Applicant

10 South LaSalle Street
Suite 3300
Chicago, IL 60603
Phone: 312-372-7664
Fax: 312-372-6568